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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

PHAM, CHRYSTINE

ART UNIT

PAPER NUMBER

2192

NOTIFICATION DATE

DELIVERY MODE

07/03/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No. 10/693,396	Applicant(s) SNOVER ET AL.	
	Examiner Chrystine Pham	Art Unit 2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the Amendments filed on April 5, 2007. Claims 1-14, 18-21 and 23 have been amended. Claims 1-24 are presented for examination.

Response to Amendment

2. In view of the amendment to claims 1-14 to overcome the claim rejection under 35 USC 101 (non-statutory subject matter), the rejection of claims 1-14 under 35 USC 101 is hereby withdrawn.
3. In view of the amendment to claims 18-21 under 35 USC 112 (second paragraph), the rejection of claims 18-21 under 35 USC 112 (second paragraph) is hereby withdrawn.

Response to Arguments

4. The Affidavit filed on April 5, 2007 under 37 CFR 1.131 has been considered but is ineffective to overcome the U.S. Publication 2004/0153995 to Polonovski reference.

The evidence submitted (i.e., Exhibit A) is insufficient to establish a conception of the invention prior to the effective date of the Polonovski reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another.

Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). More specifically, the scope of Exhibit A is not commensurate with the scope of the claim(s) because it provides no support for claim limitations “saving information that correlates the attribution with the construct” (see claim 1), “applying the attribution to the construct when the construct is encountered interactively” (see claim 5), “wherein the string comprises a portion of a script” (see claim 7), “wherein the attribution specifies a type for the construct” (see claim 9), and “wherein the attribution specifies applying intellisense to the construct to auto-complete the construct” (See claim 10).

The evidence submitted is insufficient to establish diligence from a date prior to the date of reduction to practice of the Polonovski reference to either a constructive reduction to practice or an actual reduction to practice since Applicants merely made a statement “attached hereto as Exhibit A is ... disclosed in the above-referenced patent application” (Declaration, page 1).

5. In view of the foregoing discussion, rejection of claims 1-24 under 35 USC 102(e) is considered proper and maintained.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Polonovski (US 2004/0153995 A1).

Claim 1

Polonovski teaches a computer readable storage medium having computer-executable instructions, the instructions comprising:

- receiving a string in an interactive environment (see at least 220, 205, 210 FIG.2 & associated text);
- identifying an attribution within the string (see at least paragraphs [0021], [0044]);
- identifying a construct associated with the attribution (see at least paragraphs [0023], [0044]); and
- saving information that correlates the attribution with the construct (see at least 220, 230 FIG.2 & associated text; paragraphs [0046]-[0055]; [0061]-[0063]).

Claim 2

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The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies a constraint for the construct (see at least FIG.3a & associated text).

Claim 3

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the construct comprises a variable, a structure, a function, or a script (see at least paragraph [0072]).

Claim 4

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the information comprises metadata (see at least 220, 230, 225 FIG.2 & associated text).

Claim 5

The rejection of base claim 1 is incorporated. Polonovski further teaches applying the attribution to the construct when the construct is encountered interactively (see at least paragraphs [0080]-[0084]).

Claim 6

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the string comprises a command string entered in a command line environment (see at least FIS.3a-c & associated text; paragraph [0038]).

Claim 7

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the string comprises a portion of a script (see at least paragraph [0003]).

Claim 8

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein identifying the attribution comprises identifying a plurality of attributions associated with the construct (see at least paragraph [0061]).

Claim 9

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies a type for the construct (see at least paragraph [0058]).

Claim 10

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying intellisense to the construct to auto-complete the construct (see at least paragraph [0066]).

Claim 11

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying a predicate directive to the string that is operative to

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determine whether processing of the string continues (see at least paragraph [0058]).

Claim 12

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies applying a parsing directive that is operative to direct a manner for obtaining the construct (see at least paragraph [0058]).

Claim 13

The rejection of base claim 1 is incorporated. Polonovski further teaches wherein the attribution specifies a data generation directive that is operative to generate a set. of information that is stored in the construct (see at least paragraph [0063]).

Claims 14-21

Claims recite limitations, which have been addressed in claims 1-2, 5 and 10-14, therefore, are rejected for the same reasons as cited in claims 1-2, 5 and 10-14.

Claim 22

The rejection of base claim 15 is incorporated. Polonovski further teaches wherein the begin symbol comprises a left bracket and the end symbol comprises a right bracket (see at least paragraph [0067]).

Claim 23

Polonovski teaches a system the handles input parameters (see at least FIG.1 & associated text), the system comprising:

- a means for processing (see at least FIG.2 & associated text); and
- a memory means (see at least 22 FIG.1 & associated text paragraph [0038]), the memory means being allocated for a plurality of computer-executable instructions which are loaded into the memory means for execution by the means for processing, the computer-executable instructions performing a method comprising: a means for receiving a string in an interactive environment; a means for performing the instructions addressed in claim 1.

Claim 24

Claim recites limitations, which have been addressed in claim 5, therefore, is rejected for the same reasons as cited in claim 5.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory

action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chrystine Pham whose telephone number is 571-272-3702. The examiner can normally be reached on Mon-Fri, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



TUAN DAM
SUPERVISORY PATENT EXAMINER